

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 5, 20, 32 and 56 have been cancelled. Claims 40, 47, 54, 55 and 57 have been amended. Claims 58-66 are being added as new claims.

This amendment changes, deletes and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2, 4, 8, 14, 17, 19, 23, 25, 26, 29, 34, 35, 40-55 and 57-66 are now pending in this application.

Prior Art Rejections

Claims 2, 4, 5, 8, 14, 17, 19, 20, 23, 25, 26, 29, 32, 34, 35, 40-43, 47-50 and 54 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,948,040 (“DeLorme”). Claims 44, 45, 51 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme. Claims 55 and 56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme in view of U.S. Patent No. 6,253,189 (“Feezell”). Claim 57 was rejected under 35 U.S.C. § 102(a) as being anticipated by “Foreclosure Search,” a website published on January 25, 1999.

In response, Applicants have amended independent claims 40, 47, 54, and 55 and respectfully traverse the rejection for the reasons set forth below.

Applicants rely on M.P.E.P. § 2131, entitled “Anticipation – Application of 35 U.S.C. § 102(a), (b) and (e)” which states, “a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Applicants respectfully submit that DeLorme does not describe each and every element of the claims.

Independent claims 40, 47, 54 and 55, as amended, are directed to a computer implemented method, a computer readable data storage medium, a system and a computer implemented network for communicating information concerning a target location for which a user seeks information from a server to a user’s computing/communication device communicatively connected to said server on a network. For example, the method as claimed

in claim 40 includes the steps of determining a target location specified by said computing/communication device independently of a current physical location of said computing/communication unit and said server; at said server retrieving from a database at least one of a plurality of categories of sponsored information provided by exclusive sponsors for said target location; providing contextual information about said user or said computing/communication device to said server and delivering said sponsored information to said computing/communications device over said network, wherein said sponsored information is determined in part based on said provided contextual information.

Independent Claims 40, 47, 54

DeLorme does not disclose each and every limitation of claims 40, 47 and 54. DeLorme is directed to a travel reservation information and planning system. Users can use the system disclosed in DeLorme to create travel itineraries. *See* Abstract. However, DeLorme fails to disclose, teach or suggest “providing contextual information about said user or said computing/communication device to said server and delivering said sponsored information to said computing/communications device over said network, wherein said sponsored information is determined in part based on said provided contextual information,” as claimed in independent claims 40, 47 and 54.

The Office Action at p. 3 refers to user selections as reading upon characteristics of the user. However, DeLorme discloses that the user selections relate directly to the point of interest (“POI”) being selected. Thus, DeLorme discloses that the user only provides information about the point of interest. In contrast, claims 40, 47 and 54 disclose that contextual information about the user or computing/communication device is provided to the server in addition to determining a target location. The contextual information can be, for example, user demographic information or information about the type computing/communication device being used. As claimed in claims 40, 47 and 54, the additional contextual information is used to determine, in part, the sponsored information that is provided to the computing/communication device. Accordingly, DeLorme fails to disclose that contextual information is provided in addition to point of interest information.

M.P.E.P. § 2131 states that “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Here, DeLorme fails to disclose claims 40, 47 and 54 in the requisite detail. Specifically, DeLorme does not disclose, teach or suggest “providing contextual information

about said user or said computing/communication device to said server;” and “delivering said sponsored information to said computing/communications device over said network, wherein said sponsored information is determined in part based on said provided contextual information.” Accordingly, Applicants request that the rejection be withdrawn and independent claims 40, 47 and 54 be allowed. Further, claims 2, 4, 5, 8, 14, 17, 19, 20, 23, 25, 26, 29, 32, 34, 35, 41-46, 48-53 and 58-66 depend from one of claims 40, 47 and 54 and should therefore be allowed for the reasons set forth above without regard to further patentable limitations cited therein. Further, Feezell does not cure the deficiencies of DeLorme.

If this rejection of the claims is maintained, the examiner is respectfully requested to point out where the above-mentioned features are disclosed in DeLorme.

Independent Claim 55

Without agreeing or acquiescing to the rejection of claim 55, Applicants have amended claim 55 to include the limitations of claim 56. In the Office Action, the Examiner rejects claim 56 citing Official Notice. This Official Notice is respectfully traversed. As asserted in M.P.E.P. 2144.03, “[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” Thus, it is requested that the Examiner provide evidentiary support in the record as to the Official Notice taken, as per the guidelines set forth in the M.P.E.P., or rescind the Official Notice.

Independent Claim 57

Without agreeing or acquiescing to the rejection of claim 57, Applicants have amended claim 57 for clarity. On page four of the Office Action, the Examiner asserts that the Foreclosure Search website discloses providing sponsored information in that the website promotes itself. However, the Foreclosure Search website does not disclose “delivering real estate professional contact information” to a computing/communications device. Instead, the website seems to only provide information concerning the foreclosed property itself, i.e. sales reports, REO reports, etc. The Foreclosure Search website does not provide the contact information of real estate professionals. Accordingly, reconsideration and withdrawal of the rejection of amended claim 57 is requested.

New Claims 58-66

New claims 58-66 has been added to further define the invention. Support for new claims 58-66 can be found at least on page 12 of the specification. Further, new claims 58-66 should be allowed for the reasons set forth above without regard to further patentable limitations recited therein. For example, none of the references cited disclose, teach or suggest that said contextual information can be “demographic information related to said user, identification information related to said computing/communication device or subject matter of interest to said user” as claimed in claims 58-66. Thus, for this additional reason claims 58-66 should be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is now in condition for allowance. If there are any questions regarding the application, or if an examiner’s amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,


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